

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Kazuhiro ATSUMI et al.)	Confirmation No.: 2498
)	
Application No.: 10/585,451)	Group Art Unit: 3742
)	
Filed: May 4, 2007)	Examiner: John Samuel Wasaff
)	
For: LASER PROCESSING METHOD)	
AND DEVICE)	

Commissioner for Patents
U.S. Patent and Trademark Office

Customer Window Mail Stop: ☒ Amendment ☐ AF ☐ Issue Fee

Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT (IDS)

Applicants are submitting the enclosed Information Disclosure Statement (IDS) in accordance with current legal authority, including the recently decided *Therasense* decision (*i.e.*, *Therasense, Inc. v. Becton, Dickinson & Co.* (Fed. Cir. 2011)(*en banc*)) and other applicable decisions by the U.S. Court of Appeals for the Federal Circuit.

☒ **Under 37 C.F.R. § 1.97(b):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the undersigned's knowledge, this IDS is being filed before the mailing date of a first Office Action on the merits, before the mailing date of a first Office Action on the merits after filing an RCE under § 1.114, or within three months of the application filing date.

☐ **Under 37 C.F.R. § 1.97(c):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This IDS is being filed after the events recited in § 1.97(b) but, to the undersigned's knowledge, before the mailing date of a Final Office Action, a Notice of Allowance, or another action that closes prosecution in the application.

☐ The fee of \$180.00 set forth in § 1.17(p) is included herein; or

☐ Applicant submits that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ **Under 37 C.F.R. § 1.97(d):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This IDS is being filed after the events recited in § 1.97(c) but before payment of the issue fee.

☐ The fee of \$180.00 set forth in § 1.17(p) is included herein; and

☐ Applicant submits that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ **Under 37 C.F.R. § 1.97(i):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(i), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This IDS is being filed after the events recited in § 1.97(d). Applicant requests that the IDS be placed in the file.

☐ A search report or other listing of documents from a counterpart, related, or other application dated _____, and having documents cited thereon is attached for the Examiner's consideration. Any of these documents not previously cited, and any additional documents are listed on the PTO Form 1449.

☒ The documents on the attached list are believed to be U.S. patents or U.S. patent applications that are assigned to the assignee of the present application, and may have one or more inventors in common with the inventors listed for the present application. The listed cases are believed to disclose, and some or all may claim, subject matter relating to that of the present application, including the focusing of a laser into an object as a part of the process of cutting the object. Given the large number of cases being cited, to avoid unduly burdening the Examiner by the submission of information that is not material, Applicants do not propose to submit in the instant case each and every cited reference and each and every Office Action or other Office Communication from each of the listed cases, but instead propose to submit only the information relating to the listed cases that Applicants understand to be material with respect to the instant case, in accordance with current legal authority. Nonetheless, if it is the Examiner's view that this proposal does not comply with all existing legal authority, including all applicable USPTO rules and the duties of disclosure and candor, or that for any other reason Applicants should proceed with respect to the attached listed references other than as proposed above, then Applicants respectfully request the Examiner to notify Applicants of this position, so that Applicants can determine what, if any, alternative or additional steps are necessary.

☒ Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. As for any document listed on the accompanying PTO-1449 that is in a language other than English, relevance can be understood from an enclosed English abstract or at least partial translation or from mention in the specification or in a search report for a corresponding application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP



John G. Smith

Registration No. 33,818

Dated: December 23, 2011

CUSTOMER NO. 055694
DRINKER, BIDDLE & REATH LLP
1500 K Street, N.W., Suite 1100
Washington, D.C. 20005-1209
Tel: 202.842.8800; Fax: 202.204.0289